

ASSEMBLY BILL

No. 2318

Introduced by Assembly Member Ian Calderon

February 21, 2014

An act to add Section 3055 to the Penal Code, relating to parole.

LEGISLATIVE COUNSEL'S DIGEST

AB 2318, as introduced, Ian Calderon. Parole.

Existing law generally regulates the granting and conditioning of parole, and places the duty to monitor parolees on the Department of Corrections and Rehabilitation, Division of Adult Parole Operations. Under existing law, amended by Proposition 9, also known as Marsy's Law, the Board of Parole Hearings is the state's parole authority and authorizes the board to release a prisoner on a specified period of parole after the expiration of a term of imprisonment. Under existing law, the department is authorized to return a parolee to prison if the Board of Parole Hearings determines that the parolee violated the terms of his or her parole, as specified. Marsy's Law may be amended by a bill passed by a $\frac{3}{4}$ vote of each house of the Legislature.

This bill would require the Department of Corrections and Rehabilitation to establish a program to allow elderly prisoners, who meet specified criteria, to apply for, and be released on parole.

Vote: $\frac{3}{4}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 3055 is added to the Penal Code, to read:
2 3055. (a) The Legislature finds and declares the following:

1 (1) The number of elderly prisoners in California is increasing
2 exponentially. According to the Department of Corrections and
3 Rehabilitation, as of June 30, 2012, the population of prisoners 55
4 years of age and older was almost 7,500, and that number is
5 projected to rise to at least 8,500 by 2014.

6 (2) Due to the high costs associated with geriatric medical needs,
7 elderly prisoners cost an average of two to three times more to
8 incarcerate than the general prison population. California spends
9 between \$98,000 and \$138,000 per year to house each individual
10 over 55 years of age.

11 (3) There is a significantly lower risk of recidivism among
12 elderly prisoners according to Department of Corrections and
13 Rehabilitation statistics. The department's 2012 outcome report
14 shows an 11.6 percent drop in recidivism between those in the 50
15 to 54, inclusive, age bracket and those in the 60 and over age
16 bracket, and reports that only 36.2 percent of people 60 years of
17 age and older, who were released for the first time, returned to
18 prison.

19 (b) The Department of Corrections and Rehabilitation shall
20 establish a program to allow elderly prisoners, who meet the criteria
21 set forth in subdivision (c), to apply for, and be released on, parole.

22 (c) To be eligible for parole pursuant to subdivision (b), a
23 prisoner shall meet all of the following criteria:

24 (1) Be 55 years of age or older.

25 (2) Have served at least 50 percent of his or her sentence.

26 (3) Have no serious disciplinary infraction in the last two years.

27 (4) Have a reentry plan identifying residential, financial, and
28 social integration plans.